

MINUTES
UTAH STATE LPG BOARD
January 16, 2004

BOARD MEMBERS PRESENT

Lynn Froerer	Chair, LP Gas Board
Mark Harris	Vice Chair, LP Gas Board
Jim Johnson	LP Gas Board Member
Edward Martin	LP Gas Board Member
Kevin Eldridge	LP Gas Board Member

STAFF PRESENT

Brent Halladay	State Fire Marshal's Office
Margo Densley	State Fire Marshal's Office
Ron Gustaveson	State Fire Marshal's Office

PRESENT

Bret Steel	SS Supply Inc.
Lisa Smith	Turner Gas Co.
Danny Merrill	Pitcher's
Jack D. Burleson	ICC-Utah

Meeting began at 10:00 AM at the Murray City Hall with Chairman Lynn Froerer presiding.

Item #1 on the agenda was Board meeting called to order and Chairman Lynn Froerer welcomed everyone to the meeting. Board members Randall Austin and Scott Sowards asked to be excused. Brent Halladay of the State Fire Marshal's Office stated that Cheryl D. Luke, Assistant Attorney General has asked to be excused as well as State Fire Marshal Gary Wise, Hugo Rico and Myron Milgrom of the State Fire Marshal's Office.

Item #2 on the agenda was reading and approval of the minutes of the August 1, 2003 Board meeting. Chairman Froerer asked for any additions or corrections. Edward Martin made the motion to approve the minutes with one correction and Mark Harris seconded the motion. All Board members voted in favor.

Item #3 on the agenda was a report by Ron Gustaveson of the activities of the division and monies collected. Ron distributed a report to the Board on the activities of the division and explained that since 1988 there has been approximately 4.5 million gallons of propane installed in the State. Brent stated that collections are about \$3,000.00 ahead of the average for last year. Last year we brought in about \$109,700.00 and this year we will probably bring in about \$120,000.00. Edward Martin asked if the board or the businesses will be regulating the amount of cages that will be set. Ron explained that the businesses as well as the location will determine where cages are set. Mark Harris

asked if there were annual inspections on these cages. Ron explained that the Fire Marshal's Office is not doing annual inspections on these cages. Ron stated we are keeping an eye on them. Brent explained that all of the cages that are on the Wasatch Front are probably being inspected yearly by the local fire department. Mark asked if there were any problems with these cages and Brent explained that there has only been one problem. Someone went down to an Amerigas Cage and traded out a Blue Rhino container, which should not have happened. This container had a leak around the threads and had leaked out across the service station grounds. Myron Milgrom of the Fire Marshal's Office was called out to look at the container and he took the container up to Blue Rhino. Brent stated these cages have become extremely popular and discussion was held on this matter. Mark Harris explained that we are having a major repositioning of product from dispenser tanks to store fronts. Brent pointed out that the main concern with the cages is to educate the owners of the facilities to help them understand the problems that can arise with these cages. Ron explained that there is some training that is given by the distributors.

Item #4 on the agenda was information to the Board on the 2004 Legislative session, budget and fees. Brent explained that the Legislative Session is starting and there are no Bills for LP Gas. However, Brent stated, there is an item of interest to the Board. The Natural Gas Certification Technician Act is back up again this year. This act would be the responsibility of the Division of Professional Licensing. This act is under restricted monies and is set up under a dedicated non-lapsing account. Last year the Legislature took 40 million dollars of restricted monies for one time fund accounts to balance the budget. The Fire Extinguishers are also used for restricted purposes and all of the fire training money that goes to the Fire Academy are restricted accounts. The Legislature can basically help themselves to all of this. At this point we have not been notified that there will be any cuts. We feel quite confident that this will not affect our office. However, the Governor is requesting some monies for education and the State system. Also, Senator Butters, co-chair of the committee that funds the Fire Marshal's Office, is requesting some monies for the law enforcement retirement as well.

Item #5 on the agenda was a presentation to the Board by Mel Milgrom on the LP Gas incident at Dugway and 20 lb. leaking exchange cylinder. Reporting for Mel, Brent Halladay explained that Mel was teaching a Fire Extinguisher class at Dugway which is a federal facility and exempt from any State Act. While Mel was teaching his class the LP Gas containers at Dugway were being filled, by a company which is licensed from the LP Gas Safety Act. While investigating this matter, Mel found some interesting things. Not realizing that the liquid level indicator was laying off in the dirt and the 80% spitter valve had been cut off and placed back in the container, the person filling the tanks filled the container liquid full, and it began to leak. A white cloud began to form above the tank after it was filled. This was a 500 water gallon container and was providing heat to the recreational building at Dugway. This is thought to be a malicious act and is still being investigated by the Federal CID out of Fort Carson, Colorado. Brent explained that the Board and the State Fire Marshal's Office does not have authority over federal facilities unless we are asked to be involved. However, the Board and this office does have authority over the people in the LP Gas industry that are filling these tanks. Mark Harris of the Board asked if the refineries are under a different jurisdiction and Brent explained that the refineries are exempt from the Utah LP Gas Safety Act by law. Ron Gustaveson explained that during his regular inspections he has found that some of the companies are not using their fixed level gages. Ron is encouraging the LP Gas industry to use these safety gages. Discussion was held on this matter.

Item #6 on the agenda was a presentation to the Board by Brent Halladay of the newly adopted amendments to R710-6, Liquefied Petroleum Gas Rules. In R710-6-1.4 the International Fire Code, 2003 edition is proposed to be adopted. Brent explained that under R710-6-5, Adjudicative Proceedings, there have been some proposed changes. In Section 5.2.7 is a new proposed rule that states: "The person or applicant has been convicted of a violation of one or more federal, state or local laws." Also Section 5.2.8 it states: "The person or applicant has been convicted of a violation of the adopted rules or been found by a Board administrative proceeding to have violated the adopted rules." In Section 5.2.9 it states: "Any offense of finding of unlawful conduct, or there is or may be, a threat to the public's health or safety if the person or applicant were granted a license or certificate of registration." And in Section 5.2.10 "There are other factors upon which a reasonable and prudent person would rely to determine the suitability of the person or applicant to safely and competently distribute, transfer, dispense or install LP Gas and/or it's appliances." These are all the new additions to the Adjudicative Proceedings Section. Also, there are proposed changes in Section 8.6.6 through Section 8.6.6.4. This is where the rules on guard posts for vehicular damage was placed after it was removed from the Uniform Fire Code and not placed in the International Fire Code. Discussion was held on these matters. Brent explained that these new rule changes will be placed on the Fire Marshal's web site on Monday morning.

Item # 7 on the agenda was a final presentation to the Board by Brent Halladay to adopt NFPA 54, 2002 edition. Brent explained that the Board has held much discussion on this matter but has never officially adopted NFPA 54, 2002 edition, and asked if the Board is still interested in doing this. Jim Johnson of the Board made a motion to adopt the NFPA 54, 2002 edition, and Mark Harris seconded the motion. This motion was passed unanimously and will go into effect around March 15th. Discussion was held on the possible conflicts between NFPA 54 and the International Fuel Gas Code (IFGC). Brent noted that the Board has previously discussed the adoption of the IFGC and it was decided to wait and see if there was a problem. Brent stated that at some time the Board may want to discuss this again and if both of these standards are adopted then the most restrictive will apply. Jack Burleson, ICC-Utah, has provided a comparison of the 2003 International Fuel Gas Code and the 2002 National Fuel Gas Code which was passed out to the Board members.

Item #8 on the agenda was Old Business and New Business. Jim Johnson explained that he has some questions on the legality of unvented heaters in bedrooms and bathrooms. Much discussion was held on this matter. It was decided that as information is collected on this matter, Brent Halladay of the Fire Marshal's Office would distribute it to the Board members. Kevin Eldridge of the Board requested that information that is going to be discussed in upcoming Board meetings be sent out to the Board members in advance so that these materials can be reviewed before the Board meetings. Kevin also requested that a Flow Chart be sent out to Board members. Brent explained that the LP Gas Board is appointed by the Governor and that it is a Regulatory Board. Discussion was held on these matters and Brent agreed to distribute this information to the Board. Mark Harris of the Board advised the members that Rich Bergstrom, Utah LP Gas, is experiencing some problems with other marketers filling his leased tanks. Brent stated that Rich had called the Fire Marshals Office regarding this matter and he was given the section of the law which allows him to file a civil action against someone else filling his containers. Brent explained that by law the Fire Marshal's Office does not regulate who fills each others tanks unless there is a safety issue involved. Discussion was held on this matter. Jack D. Burleson, ICC-Utah, addressed the Board and encouraged the Board to possibly adopt the IFGC if not alone at least as an alternate with NFPA 54. Jack also explained that it is his

responsibility to work with State agencies to make sure that there is uniformity and compliance in enforcement of the International Codes. Chair Lynn Froerer advised Mr. Burleson that the Board has not totally eliminated the possibility of adopting the IFGC.

Item #10 on the agenda was next meeting date and time. It was decided that April 2, 2004, at 10:00 A.M. would be the next meeting date at the Murray City Hall. Jim Johnson made a motion to adjourn the meeting and Kevin Eldridge seconded the motion. Chairman Lynn Froerer adjourned the meeting.